



Senate

General Assembly

File No. 76

February Session, 2008

Senate Bill No. 296

Senate, March 20, 2008

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE OFFENSE OF DRIVING UNDER THE INFLUENCE AND IGNITION INTERLOCK DEVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (g) Any person who violates any provision of subsection (a) of this
5 section shall: (1) For conviction of a first violation, (A) be fined not less
6 than five hundred dollars or more than one thousand dollars, and (B)
7 be (i) imprisoned not more than six months, forty-eight consecutive
8 hours of which may not be suspended or reduced in any manner, or
9 (ii) imprisoned not more than six months, with the execution of such
10 sentence of imprisonment suspended entirely and a period of
11 probation imposed requiring as a condition of such probation that
12 such person perform one hundred hours of community service, as
13 defined in section 14-227e, and (C) (i) have such person's motor vehicle
14 operator's license or nonresident operating privilege suspended for

15 [one year] eighteen months or (ii) have such person's motor vehicle
16 operator's license or nonresident operating privilege suspended for six
17 months and be prohibited for the one-year period following
18 completion of such period of suspension from operating a motor
19 vehicle unless such motor vehicle is equipped with a functioning,
20 approved ignition interlock device, as defined in section 14-227j; (2) for
21 conviction of a second violation within ten years after a prior
22 conviction for the same offense, (A) be fined not less than one
23 thousand dollars or more than four thousand dollars, (B) be
24 imprisoned not more than two years, one hundred twenty consecutive
25 days of which may not be suspended or reduced in any manner, and
26 sentenced to a period of probation requiring as a condition of such
27 probation that such person perform one hundred hours of community
28 service, as defined in section 14-227e, and (C) (i) have such person's
29 motor vehicle operator's license or nonresident operating privilege
30 suspended for three years or until the date of such person's twenty-
31 first birthday, whichever is longer, or (ii) if such person has been
32 convicted of a violation of subdivision (1) of subsection (a) of this
33 section on account of being under the influence of intoxicating liquor
34 or of subdivision (2) of subsection (a) of this section, have such
35 person's motor vehicle operator's license or nonresident operating
36 privilege suspended for one year and be prohibited for the two-year
37 period following completion of such period of suspension from
38 operating a motor vehicle unless such motor vehicle is equipped with
39 a functioning, approved ignition interlock device, as defined in section
40 14-227j; and (3) for conviction of a third and subsequent violation
41 within ten years after a prior conviction for the same offense, (A) be
42 fined not less than two thousand dollars or more than eight thousand
43 dollars, (B) be imprisoned not more than three years, one year of which
44 may not be suspended or reduced in any manner, and sentenced to a
45 period of probation requiring as a condition of such probation that
46 such person perform one hundred hours of community service, as
47 defined in section 14-227e, and (C) have such person's motor vehicle
48 operator's license or nonresident operating privilege permanently
49 revoked upon such third offense. For purposes of the imposition of

50 penalties for a second or third and subsequent offense pursuant to this
51 subsection, a conviction under the provisions of subsection (a) of this
52 section in effect on October 1, 1981, or as amended thereafter, a
53 conviction under the provisions of either subdivision (1) or (2) of
54 subsection (a) of this section, a conviction under the provisions of
55 section 53a-56b or 53a-60d or a conviction in any other state of any
56 offense the essential elements of which are determined by the court to
57 be substantially the same as subdivision (1) or (2) of subsection (a) of
58 this section or section 53a-56b or 53a-60d, shall constitute a prior
59 conviction for the same offense.

60 Sec. 2. Subsection (i) of section 14-227a of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective*
62 *October 1, 2008*):

63 (i) (1) The Commissioner of Motor Vehicles shall permit a person
64 whose license has been suspended in accordance with the provisions
65 of subparagraph (C)(ii) of subdivision (1) or subparagraph (C)(ii) of
66 subdivision (2) of subsection (g) of this section to operate a motor
67 vehicle if (A) such person has [served not less than one year of such]
68 completed the required period of such suspension, and (B) such person
69 has installed an approved ignition interlock device in each motor
70 vehicle owned or to be operated by such person. No person whose
71 license is suspended by the commissioner for any other reason shall be
72 eligible to operate a motor vehicle equipped with an approved ignition
73 interlock device. (2) All costs of installing and maintaining an ignition
74 interlock device shall be borne by the person required to install such
75 device. (3) The commissioner shall adopt regulations, in accordance
76 with the provisions of chapter 54, to implement the provisions of this
77 subsection. The regulations shall establish procedures for the approval
78 of ignition interlock devices, for the proper calibration and
79 maintenance of such devices and for the installation of such devices by
80 any firm approved and authorized by the commissioner. (4) The
81 provisions of this subsection shall not be construed to authorize the
82 continued operation of a motor vehicle equipped with an ignition
83 interlock device by any person whose operator's license or nonresident

84 operating privilege is withdrawn, suspended or revoked for any other
85 reason. (5) The provisions of this subsection shall apply to any person
86 whose license has been suspended in accordance with the provisions
87 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this
88 section on or after September 1, 2003.

89 Sec. 3. Section 14-227f of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2008*):

91 (a) Any person whose motor vehicle operator's license or
92 nonresident operating privilege is suspended under subsection (g) of
93 section 14-227a, as amended by this act, for a conviction of a violation
94 of subsection (a) of said section or under section 14-227b for a second
95 or subsequent time shall participate in a treatment program which
96 includes an assessment of the degree of alcohol abuse and treatment,
97 as appropriate, approved by the Commissioner of Motor Vehicles. The
98 commissioner shall not reinstate the operator's license or nonresident
99 operating privilege of any such person (1) whose license has been
100 suspended in accordance with the provisions of subdivision (1) of
101 subsection (g) of section 14-227a, as amended by this act, until such
102 person submits evidence to the commissioner that such person is
103 participating in the treatment program, or (2) whose license has been
104 suspended in accordance with the provisions of subdivision (2) or (3)
105 of subsection (g) of section 14-227a, as amended by this act, or under
106 section 14-227b for a second or subsequent time until such person
107 submits evidence to the commissioner that such person has
108 satisfactorily completed the treatment program. Any person whose
109 certificate is suspended or revoked pursuant to section 15-133, 15-140/
110 or 15-140n shall participate in such treatment program.

111 (b) The treatment program shall be designed by the commissioner,
112 with the advice and assistance of the Motor Vehicle Operator's License
113 Medical Advisory Board established pursuant to section 14-46b, any
114 state agency or any other public or private entity engaged in the
115 provision of responsible services for the treatment of alcohol and drug
116 addiction as the commissioner may request. The program shall consist

117 of intensive treatment and a phase of continuing aftercare supervision
118 and monitoring on an individual basis. The program may be provided
119 by one or more private organizations approved by the commissioner
120 which meet qualifications established by him, provided the entire costs
121 of the program shall be paid from fees charged to the participants, the
122 amounts of which shall be subject to the approval of the commissioner.

123 (c) Upon receipt of notification from the commissioner of the
124 requirement to participate in the program, such person may, within
125 thirty days, petition the commissioner in writing for a waiver of such
126 requirement on the following grounds: (1) The petitioner is presently
127 undergoing a substantial treatment program for alcohol or drug
128 addiction, or has completed such a program subsequent to his most
129 recent arrest, either as a result of an order of the Superior Court or on a
130 voluntary basis, and (2) the petitioner does not, in the opinion of a
131 licensed physician based upon a personal examination, have a current
132 addiction problem which affects his ability to operate a motor vehicle
133 in a safe manner or pose a significant risk of having such a problem in
134 the foreseeable future. In reviewing and determining whether to grant
135 any such petition, the commissioner shall request and give due
136 consideration to the advice of the Motor Vehicle Operator's License
137 Medical Advisory Board. Any person aggrieved by the decision of the
138 commissioner may appeal such decision in accordance with the
139 provisions of chapter 54.

140 (d) The commissioner shall adopt regulations in accordance with
141 chapter 54 to implement the provisions of this section.

142 Sec. 4. Subdivision (2) of subsection (k) of section 14-111 of the 2008
143 supplement to the general statutes is repealed and the following is
144 substituted in lieu thereof (*Effective October 1, 2008*):

145 (2) Any person whose license has been revoked in accordance with
146 subparagraph (C) of subdivision (3) of subsection (g) of section 14-
147 227a, as amended by this act, on or after October 1, 1999, may, at any
148 time after six years from the date of such revocation, request a hearing
149 before the commissioner, conducted in accordance with the provisions

150 of chapter 54, and the provisions of subdivision (1) of this subsection
 151 for reversal or reduction of such revocation. The commissioner shall
 152 require such person to provide evidence that any reversal or reduction
 153 of such revocation shall not endanger the public safety or welfare.
 154 Such evidence shall include, but not be limited to, proof that such
 155 person has successfully completed an alcohol education and treatment
 156 program, and proof that such person has not been convicted of any
 157 offense related to alcohol, controlled substances or drugs during the
 158 preceding six years. The commissioner shall require any person, as a
 159 condition of granting such reversal or reduction, to install and
 160 maintain an approved ignition interlock device, in accordance with the
 161 provisions of subsection (i) of section 14-227a, as amended by this act.
 162 The approved ignition interlock device shall be installed and
 163 maintained from the date such reversal or reduction is granted until
 164 [ten] four years has passed since the date of such [revocation] reversal
 165 or reduction. The commissioner may adopt regulations, in accordance
 166 with the provisions of chapter 54, to establish standards to implement
 167 the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	14-227a(g)
Sec. 2	<i>October 1, 2008</i>	14-227a(i)
Sec. 3	<i>October 1, 2008</i>	14-227f
Sec. 4	<i>October 1, 2008</i>	14-111(k)(2)

TRA *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Motor Vehicles	TF - Cost	180,000	190,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	TF - Cost	46,800	112,000

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

Requiring the use of interlock devices by first time offenders will result in an annual cost to the Department of Motor Vehicles of \$226,800 beginning in FY 09. The department will require three additional Motor Vehicle Analyst positions (\$60,000 plus fringes¹ for each) for processing and verifying compliance with the provisions in this bill. The cost estimate takes into consideration that there are 12,000 DUI arrests annually, with about 4,000 DUI convictions per year. Under the current law program, there are about 400 second and third time offenders using interlock devices.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$	FY 13 \$
Department of	TF - Cost*	195,700	201,571	207,618

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

Motor Vehicles				
Comptroller Misc. Accounts (Fringe Benefits)	TF - Cost*	115,360	118,821	122,386

Note: TF=Transportation Fund

*These figures have been adjusted for inflation at a rate of 3%

Municipal Impact: None

OLR Bill Analysis**SB 296*****AN ACT CONCERNING THE OFFENSE OF DRIVING UNDER THE INFLUENCE AND IGNITION INTERLOCK DEVICES.*****SUMMARY:**

This bill modifies the current ignition interlock device and license suspension requirements for a person convicted of driving under the influence of alcohol or drugs (DWI).

Under current law, a court may require a person to drive only motor vehicles equipped with an ignition interlock device after a mandatory suspension or revocation of a driver's license or operating privileges following the person's second or subsequent DWI conviction. This bill:

1. lengthens the license suspension period following a person's first DWI conviction from one year to 18 months, but provides an alternative of a six-month suspension followed by a requirement to drive only ignition interlock-equipped vehicles for one year;
2. requires a person whose driving license or operating privilege was revoked after a third DWI conviction to drive only ignition interlock-equipped vehicles for four years following license or privilege restoration; and
3. makes related changes.

The bill does not affect (1) the separate and unrelated suspension requirements under the administrative per se law that apply before the criminal charge is adjudicated or (2) the ignition interlock requirements that apply after a second DWI conviction.

It requires the driver to pay for the ignition interlock device and meet the existing Department of Motor Vehicle (DMV) regulations regarding the device's calibration, installation, and maintenance.

EFFECTIVE DATE: October 1, 2008

USE OF IGNITION INTERLOCK-EQUIPPED VEHICLES

First DWI Conviction

Under current law, in addition to imprisonment and a fine, a person convicted of DWI for the first time must have his or her license or nonresident operating privilege suspended for one year. The bill instead requires that the person's license or privilege be suspended for (1) 18 months or (2) six months, followed by a one-year period in which he or she cannot drive a motor vehicle unless it is equipped with a functioning, DMV-approved ignition interlock device.

The bill prohibits the commissioner from reinstating the license of a first-time offender who has applied for reinstatement and use of an ignition interlock until the person submits evidence of participation in a commissioner-approved treatment program. By law, anyone convicted of DWI, even for a first time, must complete a treatment program as a prerequisite for reinstatement. However, these treatment programs typically last longer than six months, so a first-time offender is likely not to have completed the program by the time the six-month suspension is finished.

Third or Subsequent DWI Conviction

By law, a person convicted of a third or subsequent DWI offense within 10 years must have his or her license or privilege permanently revoked. Currently, after six years of the revocation have passed, the offender can petition the commissioner to reverse or reduce the revocation. If the commissioner grants the petition, the device must be installed and maintained in the driver's vehicles until 10 years have passed since the date of the revocation. The bill instead requires that the device be maintained for four years from the date of the reversal or reduction of the revocation, whenever that actually occurs.

BACKGROUND***Second DWI Conviction***

The ignition interlock provisions of the law that apply following a second DWI conviction are not changed by the bill. The law requires a three-year suspension, but if the conviction was due to alcohol rather than drugs, the offender can serve a one-year suspension and apply to the Department of Motor Vehicles (DMV) for operation of ignition interlock-equipped vehicles for two years in lieu of the second and third years of the suspension.

Ignition Interlock Devices

When an ignition interlock device is installed on a motor vehicle, it prevents the vehicle from starting unless a breath sample is provided that shows a blood-alcohol level below the threshold set for the device. In Connecticut, this is set at .025% (The per se intoxication level is .08%). Sometime after the vehicle is started (usually six to 20 minutes) it requires provision of a second "in use" sample. If this sample is more than the threshold level, countermeasures such as blinking headlights, horn, or both are activated to draw attention to the vehicle.

There are four DMV-approved vendors that provide ignition interlock devices in Connecticut. The user typically has to pay an installation fee for the device, a monthly lease payment, a charge for downloading the information stored in the device and for calibration (which in Connecticut occurs every 60 days), and in some cases a charge when the device is removed after the required period for its use has elapsed. The monthly fee for the device can vary depending on the length of the lease period.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 33 Nay 0 (03/05/2008)